



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gardner, *et al.*

Examiner: Leffers, G.

Serial Number: 09/872,868

Art Unit: 1636

Filing Date: 06/01/2001

Attorney Docket: 2004647-0002  
(Formerly CEL-002)

Title: BISTABLE GENETIC TOGGLE SWITCH

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. §1.112**

This **Response to Office Action** is filed in response to the Office Action mailed 11/05/2003, rejecting claims 1 – 16 of the above-referenced application. The cited reference is U.S. Patent No. 5,416,008, issued to Bailey et al. The following amendments and remarks remove all grounds for rejection of the application, thereby placing it in condition for allowance.

Amendments to the claims are reflected on the listing that begins on page 2. As indicated there, please amend claims 1, 12, and 13, and please cancel claims 17-30. No new matter is added by these amendments.

Remarks begin on page 5.

I hereby certify that this correspondence is being deposited  
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on 5-5-04  
Sandra Saccoccia